

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

ISHMAEL ALI BURK, JR.,

*Plaintiff,*

v.

MISS BUDD, *et al.*,

*Defendants.*

CIVIL ACTION  
NO. 18-04702

**ORDER**

**AND NOW**, this 9th day of August, 2019, upon consideration of Defendants' Motions to Dismiss, (ECF Nos. 45 and 46), Plaintiff's Responses, (ECF Nos. 53 and 54), and Defendants' Reply, (ECF No. 55), is hereby **ORDERED** that the Motions are **GRANTED in part** and **DENIED in part**. It is further **ORDERED** that:

1. The Motions are **DENIED** as to Plaintiff's Fourth Amendment claim for unlawful strip search and Eighth Amendment claims for sexual abuse and lack of showers;
2. The Motions are **DENIED** regarding Plaintiff's failure to exhaust administrative remedies and Defendants' qualified immunity;
3. The Motions are **GRANTED** as to Plaintiff's Eighth Amendment claim for failure to provide adequate medical care;
4. The Motions are **GRANTED** as to all claims against Michael Gallagher;
5. The Clerk of Court is **DIRECTED** to serve written waiver requests to Defendant Correctional Officer Bombay;

BY THE COURT:

/s/ Gerald J. Pappert  
GERALD J. PAPPERT, J.